

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

GENNADIY KUZMINSKIY,

No. 2:22-cv-0041-WBS-EFB P

Petitioner,

V.

G. MATTESON,

FINDINGS AND RECOMMENDATIONS

Respondent.

16 Petitioner is a state prisoner proceeding without counsel in this petition for writ of
17 habeas corpus brought under 28 U.S.C. § 2254. On April 13, 2022, respondent filed a motion to
18 dismiss the petition. ECF No. 11. On May 17, 2022, the court informed petitioner of the
19 requirements for filing an opposition to a motion to dismiss. ECF No. 13. That order gave
20 petitioner twenty-one (21) days to file an opposition or statement of non-opposition. *Id.*

21 The time for acting has passed and petitioner has not filed an opposition or a statement of
22 no opposition nor otherwise responded to the May 17, 2022 order.

23 Accordingly, it is RECOMMENDED that this action be dismissed. Fed. R. Civ. P. 41(b);
24 Rule 12, Rules Governing § 2254 Cases.

25 These findings and recommendations are submitted to the United States District Judge
26 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
27 after being served with these findings and recommendations, any party may file written
28 objections with the court and serve a copy on all parties. Such a document should be captioned

1 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections
2 within the specified time may waive the right to appeal the District Court's order. *Turner v.*
3 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). In
4 his objections petitioner may address whether a certificate of appealability should issue in the
5 event he files an appeal of the judgment in this case. See Rule 11, Rules Governing Section 2254
6 Cases (the district court must issue or deny a certificate of appealability when it enters a final
7 order adverse to the applicant).

8 Dated: June 10, 2022.



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10 EDMUND F. BRENNAN
11 UNITED STATES MAGISTRATE JUDGE
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